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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

**IN RE GOOGLE PLAY STORE  
ANTITRUST LITIGATION**

Case No. 3:21-md-02981-JD

**THIS DOCUMENT RELATES TO:**

**JOINT CASE MANAGEMENT  
STATEMENT**

*Epic Games Inc. v. Google LLC et al.*, Case  
No. 3:20-cv-05671-JD

*In re Google Play Consumer Antitrust  
Litigation*, Case No. 3:20-cv-05761-JD

Date: March 17, 2022  
Time: 11:00 a.m.  
Courtroom: 11, 19th Floor (by remote access)  
Judge: Hon. James Donato

*In re Google Play Developer Antitrust  
Litigation*, Case No. 3:20-cv-05792-JD

*State of Utah et al. v. Google LLC et al.*, Case  
No. 3:21-cv-05227-JD

Pursuant to the Court’s Amended MDL Scheduling Order (“Scheduling Order”) (Dkt. No. 191, 3:21-md-02981-JD (“MDL”)) dated February 2, 2022, setting a status conference on March 17, 2022 at 11:00 a.m., the parties in the above-captioned MDL (the “Parties”), by and through their undersigned counsel, submit this Joint Case Management Statement.

**I. CASE STATUS SUMMARY**

**A. Case Schedule**

On February 2, 2022, the Court entered the Scheduling Order (MDL Dkt. No. 191) setting an April 3, 2023 trial date and interim pretrial deadlines in the MDL.

The Parties respectfully seek leave of Court to modify certain interim deadlines in the Scheduling Order, as described below, without impacting any Court hearing or filing deadline.

*First*, the Scheduling Order currently provides Plaintiffs’ merits experts with three weeks to serve rebuttal reports to Defendants’ (“Google’s”) merits expert reports. Plaintiffs believe their

merits experts may need more than three weeks to fully consider and respond to Google's merits expert reports. The proposed changes would provide Plaintiffs' merits experts with one additional week to serve rebuttal reports (i.e., four weeks, instead of three weeks).

*Second*, the Scheduling Order currently provides the Parties with two weeks after Plaintiffs' merits experts serve their rebuttal reports to complete expert depositions. The Parties and their experts may need more time to fully consider the opposing Parties' expert reports and prepare for depositions. The proposed changes would provide the Parties with one additional week after rebuttal reports are served to complete expert discovery (i.e., three weeks, instead of two weeks).<sup>1</sup>

Finally, the proposal would move the close of fact discovery forward by four days to accommodate the changes described above, while also ensuring Plaintiffs' merits experts can incorporate any discovery obtained near the end of fact discovery into their opening merits reports.

The Parties have met and conferred and agreed to jointly request the changes to the Scheduling Order set forth below.

Event	Current Deadline (Dkt. No. 191)	Proposed Deadline
Class certification hearing	August 4, 2022	August 4, 2022
Fact Discovery Cut-Off	August 12, 2022	<b>August 8, 2022</b>
Plaintiffs' Merits Expert Reports	August 22, 2022	<b>August 15, 2022</b>
Google's Merits Expert Reports	September 26, 2022	<b>September 19, 2022</b>
Plaintiffs' Merits Expert Rebuttal Reports	October 17, 2022	October 17, 2022

<sup>1</sup> The Parties' requested changes to the schedule are consistent with the initial MDL Scheduling Order that the Court entered on October 22, 2021 (Dkt. No. 122) with respect to the allotted time for exchange of expert reports and completion of expert depositions, in that the initial MDL Scheduling Order provided Plaintiffs' merits experts with four weeks to serve rebuttal reports to Google's merits expert reports, and provided the Parties with three weeks after rebuttal reports were served to complete expert depositions.

Event	Current Deadline (Dkt. No. 191)	Proposed Deadline
Merits Experts Discovery Cut-Off	October 31, 2022	<b>November 7, 2022<sup>2</sup></b>
Last day to file dispositive and <i>Daubert</i> Motions	November 10, 2022	November 10, 2022

## B. Class Certification

With respect to class certification, Consumer Plaintiffs and Developer Plaintiffs (collectively, “Class Plaintiffs”) and Google are proceeding in accordance with the Court’s Amended MDL Scheduling Order (MDL Dkt. No 191). Class Plaintiffs served their expert reports on February 28. Google’s opposition class expert reports are due March 31, with Class Plaintiffs’ rebuttal reports due on April 25. Class Plaintiffs and Google are discussing the timing and sequence of expert depositions during the class expert discovery period, which closes on May 13.

## II. STATUS OF DISCOVERY

### A. Depositions

The Parties have begun taking depositions of Consumer Plaintiffs and witnesses from Google and Epic, including Rule 30(b)(6) testimony from Google and Epic. The Plaintiffs have continued to coordinate on the requested deponents and timing of the depositions. Depositions of Consumer Plaintiffs are largely completed. Depositions of Developer Plaintiffs are scheduled to begin on March 11. Depositions of Plaintiff States have not yet commenced, but are expected to proceed after additional document production is completed.

<sup>2</sup> The Parties’ proposed changes to the schedule would provide three days between the Merits Experts Discovery Cut-Off on November 7, 2022, and the deadline for dispositive and *Daubert* motions on November 10, 2022. Accordingly, the Parties have agreed to make their merits experts available for depositions on or before October 31, 2022, if requested by any opposing Party on the grounds that such deposition is relevant to a dispositive or *Daubert* motion. The Parties intend to use the final week of expert discovery to take the depositions of Google’s and Plaintiffs’ remaining experts.

1                   **B. Written and Document Discovery**

2           The Parties continue to serve and respond to additional written discovery, and continue to  
3 produce documents in response to document requests. Google has informed the Plaintiffs that its  
4 production of documents in response to all outstanding requests (for which Google has agreed to  
5 produce documents) is nearly complete and should be fully complete by March 17, 2022. The  
6 Parties continue to meet and confer over certain document requests.  
7

8           Google and Plaintiff States are still negotiating the scope of documents that  
9 Plaintiff States will produce in this case. Plaintiff States have informed Google that they intend to  
10 substantially complete production of documents responsive to Google's first set of RFPs by the  
11 end of March 2022.  
12

13       Dated: March 10, 2022

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20           By: /s/ Yonatan Even

21           Yonatan Even

22           *Counsel for Plaintiff Epic Games, Inc.*  
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